



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Charles J. Hodge, Esq.
Hodge & Langley Law Firm, P.C.
P.O. Box 2765
Spartanburg, SC 29304-2765

JUN 20 2017

RE: MUR 7152

Dear Mr. Hodge:

On October 20, 2016, the Federal Election Commission notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. Based upon information contained in the complaint, as well as information provided in your response, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close the file in this matter. Accordingly, the Commission closed its file in this matter on June 7, 2017. A copy of the Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Wanda D. Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

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3 RESPONDENTS: Jenny Horne for Congress MUR 7152
4 and Milinda A. Sullivan, as treasurer
5 Hearn & Hearn, P.A.
6 Hodge & Langley Law Firm, P.C.
7 Ronnie A. Sabb
8 Law Offices of Ronnie A. Sabb, LLC
9

10 **I. INTRODUCTION**

11 This matter was generated by a Complaint alleging that three law firms and one lawyer
12 made, and Jenny Horne for Congress and Milinda A. Sullivan in her official capacity as treasurer
13 (the "Committee") accepted, prohibited and excessive contributions.¹ It was scored as a
14 relatively low-rated matter under the Enforcement Priority System, a system by which the
15 Commission uses formal scoring criteria as a basis to allocate its resources and decide which
16 matters to pursue.

17 **II. FACTUAL AND LEGAL ANALYSIS**

18 Jenny Horne was a 2016 primary candidate for South Carolina's First Congressional
19 District.² The Complaint alleges that three law firms and one lawyer made, and Jenny Horne for
20 Congress and Milinda A. Sullivan in her official capacity as treasurer (the "Committee")
21 accepted, prohibited and excessive contributions.³ Specifically, the Complainant alleges that on
22 January 4, 2016, Hearn & Hearn P.A., a South Carolina Corporation, made and the Committee
23 accepted a \$2,000 prohibited corporate contribution⁴; on March 8, 2016, Hodge and Langley

¹ Compl. at 2.

² Horne lost the primary election.

³ Compl. at 2-6.

⁴ The Complaint acknowledges that the Committee refunded this contribution on January 11, 2016.

1 Law Firm, P.C. made and the Committee accepted a \$250 prohibited corporate contribution; and
2 Ronnie A. Sabb made and the Committee accepted an excessive contribution in the form of a
3 \$2,700 contribution from Ronnie A. Sabb on November 27, 2015, and a second \$2,700
4 contribution from Sabb's firm, the Law Offices of Ronnie A. Sabb, LLC, on November 27,
5 2016.⁵

6 The Committee responds that it refunded the \$2,000 contribution from Hearn & Hearn,
7 P.A., a week after its receipt.⁶ The Committee states that it refunded the \$250 contribution (and
8 a \$100 debt retirement contribution) from Hodge and Langley Law Firm, P.C., as soon as it
9 learned that, contrary to the attribution form the firm submitted, the firm actually was a
10 corporation.⁷ Finally, the Committee explains that it only accepted one \$2,700 contribution from
11 Ronnie A. Sabb's law partnership, but due to a typographical error, the Committee mistakenly
12 reported it as two contributions.⁸

13 A "contribution" is "any gift, subscription, loan, advance, or deposit of money or
14 anything of value made by any person for the purpose of influencing any election for Federal
15 office."⁹ The Act and Commission regulations prohibit any corporation from making
16 a contribution to a political committee (other than an independent-expenditure-only committee
17 or a hybrid entity) in connection with a federal election, and further prohibit any candidate or

⁵ Compl. at 2-6.

⁶ Committee Resp. at 1; Resp. Attach. See also Hearn & Hearn, P.A. Resp. at 1 (confirming statements in Committee Response).

⁷ *Id.* See also Hodge and Langley Law Firm, P.C. Resp. at 1 (Asking Committee for refund and promising to replace it with individual contribution).

⁸ Resp. at 1. The Committee has not amended its disclosure reports to reflect the refunds for the Hodge and Langley Law Firm, P.C. contributions, or to correct the error related to the contribution from the Law Offices of Ronnie A. Sabb. See <http://doquery.fec.gov/pdf/290/201601299004752290/201601299004752290.pdf>.

⁹ 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

1 political committee from knowingly accepting or receiving such a contribution.¹⁰ No candidate
2 or political committee shall knowingly accept prohibited or excessive contributions.¹¹ The
3 Committee treasurer is responsible for ascertaining whether a contribution is excessive or
4 prohibited.¹² Contributions that present genuine questions as to whether they were made by
5 corporations may be, within ten days of receipt, either deposited into the committee depository or
6 returned to the contributor.¹³ If the contribution is deposited, the treasurer must make best
7 efforts to determine the legality of the contribution.¹⁴ If the contribution cannot be determined to
8 be legal, the treasurer shall, within thirty days of the receipt, refund the contribution.¹⁵ Further,
9 if the contribution is later discovered to be prohibited, the treasurer shall refund the contribution
10 within thirty days of discovering the illegality.¹⁶ Finally, Committee treasurers are required to
11 file reports of receipts and disbursements in accordance with the provisions of the Act.¹⁷

12 As to the contributions by Hearn & Hearn, P.A. and Hodge and Langley Law Firm, P.C.,
13 the Committee treasurer took appropriate steps to determine the legality of the contributions and
14 made timely refunds.¹⁸ The Committee presented information showing that Ronnie A. Sabb

¹⁰ 52 U.S.C. § 30118(a); *see also* Advisory Op. 2010-11 (Commonsense Ten); *Carey v. FEC*, 791 F.Supp.2d 121 (D.D.C. 2011).

¹¹ 52 U.S.C. § 30116(f).

¹² 11 C.F.R. § 103.3(b).

¹³ 11 C.F.R. § 103.3(b)(1).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 11 C.F.R. § 103.3(b)(2).

¹⁷ 52 U.S.C. § 30104(a)(1), 11 C.F.R. § 104.1(a).

¹⁸ In the case of the Hearn & Hearn, P.A. contribution, the treasurer determined it to be a prohibited corporate contribution and issued a refund within seven days of its receipt. As to the Hodge and Langley Law Firm, P.C. contribution, the treasurer asked for and received a partnership allocation, and later, when the Complaint alleged that the Firm acted as a corporation, it issued a refund within thirty days of receiving the Complaint.

1 made only one individual contribution through his law partnership, and the second report of a
2 contribution was a typographical error.¹⁹

3 Therefore, in furtherance of the Commission's priorities, relative to other matters pending
4 on the Enforcement docket, the Commission exercised its prosecutorial discretion and dismissed
5 this matter as to Hodge & Langley Law Firm, P.C., and Hearn & Hearn, P.A. concerning the
6 making of prohibited contributions in violation of 52 U.S.C. § 30118(a).²⁰ Additionally, the
7 Commission dismissed the allegation that the Committee misreported receipts, in violation of
8 52 U.S.C. § 30104(b). Further the Commission found no reason to believe that the Committee
9 accepted prohibited or excessive contributions, in violation of 52 U.S.C. §§ 30116(f) or
10 30118(a), and no reason to believe that Ronnie A. Sabb or the Law Offices of Ronnie A. Sabb,
11 LLC made a prohibited or excessive contribution. Finally, the Commission reminded the
12 Committee to amend its disclosure reports to reflect the refunded contributions and to correct the
13 misreporting of the \$2,700 contribution made by the Law Offices of Ronnie A. Sabb, and closed
14 the file.

¹⁹ Committee Resp at 1, Attach. at Sabb partnership attribution form.

²⁰ *Heckler v. Chaney*, 470 U.S. 821 (1985).